



Meeting Date: 12/9/2013  
Agenda Item: 2)a. & 5)a.

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## STAFF REPORT

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**REPORT FOR:** Chairman White and Plan Commissioners

**REPORT PREPARER:** Jennifer Higgins, Director of Planning & Development

**ITEM DESCRIPTION:** Recommendation from Director of Planning & Development to approve the report entitled: "Finding of Fact and Recommendation by the Village of Weston Plan Commission" regarding REZN-11-13-1404, a request to rezone from RR (Rural Residential) Zoning District to RTF (Residential Two Family) Zoning District to allow the single family home to be converted into a duplex, and forward to the Board of Trustees for their consideration.

**STAFF'S COMMENT:** This action item is being presented to the Plan Commission to consider the Director of Planning & Development's recommendation that the following motion be approved: "The Plan Commission approves the *Finding of Fact and Recommendation by the Village of Weston Planning Commission* as its written finding of fact per Sec. 94.219.1 of the zoning code for rezone request REZN-11-13-1404 and forwards this document on to the Village Board for final approvals."

**ACTION ITEM:** \_\_\_\_\_ Ordinance \_\_\_\_\_ Resolution   X   Motion \_\_\_\_\_ File

**DATE OF REPORT:** Tues., December 3, 2013

**DATE OF MEETING:** Mon, December 9, 2013

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### **FISCAL SUMMARY:**

Budget Line Item: \_\_\_\_\_  
Budget Line Item: \_\_\_\_\_  
Budgeted Expenditure: \_\_\_\_\_  
Budgeted Revenue: \_\_\_\_\_

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### **STATUTORY REFERENCE:**

Wisconsin Statue: Chapters 61.35,  
62.23  
Administrative Code: \_\_\_\_\_  
Municipal Code: Chapter 94  
Judicial Ruling: \_\_\_\_\_

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### ***Policy Question / Issue:***

Should the Plan Commission make a motion to recommend approval of the proposed rezone request to the Village Board to rezone 3113 Camp Phillips Road from RR (Rural Residential) to RTF (Residential Two Family) to allow the applicant to convert a single family home in to a duplex

by approving the Director of Planning & Development's report entitled *Finding of Fact & Recommendation by the Village of Weston Planning Commission*?

***Background:***

The applicant has an existing single family home that was modified to add separate living quarters on the lower level for the applicant's father to live with him. This was allowed per the zoning code in the RR zoning district as it was his father living with him and the apartment created was less than 60% of the overall square footage of the upstairs living area. Recently, Mr. Iozzo's father has moved south and no longer lives with him. He inquired with staff if he was able to rent out the smaller living area. He was told he was unable to rent it out to a non-family member because it would be against code to use it as a duplex in an RR. Mr. Iozzo then inquired on rezoning the property to allow for him to rent out the lower lever. Currently the apartment on the lower level has access from the outside and inside the home. If allowed to rezone, I would assume that he would have to work with the Building Inspector to make sure it was code compliant prior to renting out.

***Recommendation following Staff Review:***

The request was reviewed by staff at our November Plan Commission staff meeting. No issues with the rezone were brought forth by staff at this meeting. This property is located adjacent to the B-2 zoned Iozzo's Restaurant. There is also a B-2 zoned storage unit rental business adjacent to the property. RTF is typically used as a buffer to commercial so the RTF zoning would be consistent to how we would normally handle residential adjacent to commercial.

It is therefore my recommendation, as the Director of Planning & Development, that if no unforeseen issues arise at the public hearing Monday night, the Plan Commission make a motion to approve my report, *Finding of Fact and Recommendation by the Village of Weston Planning Commission*, included in your packet. I have completed the document to give you a starting point. Please feel free to make any additions and/or subtractions prior to adoption. This document will serve as the Commission's written finding of fact, per Sec. 94.219.1, for rezone request REZN-11-13-1404 and then be forwarded on to the Village Board at their meeting on December 16<sup>th</sup> along with the ordinance that is needed to be adopted and published prior to making the rezone a permanent change.

***Purpose:***

The purpose of this recommendation is as follows: to regulate areas in which various land uses may be conducted; regulate the location and operation of economic development areas; regulate the location, bulk, height, and similar features of structures, including the overall population density of the community; establish zoning districts to accomplish these purposes; Regulate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

***Policy Alternatives:***

- 1) Approve the Finding of Fact document with changes/additions as determined by the Plan Commission.
- 2) Defer action on the request until the January 13<sup>th</sup> PC meeting and refer the request back to staff for additional study/review prior to the January meeting.
- 3) Deny the request.

***Future Deliverables:***

- 1) Ordinance to approve Rezone Request REZN-11-13-1404 at December 16<sup>th</sup> Village Board Meeting

***Additional Items:***

- 1) *Finding of Fact and Recommendation by the Village of Weston Planning Commission*
- 2) Rezoning Application Materials (REZN-11-13-1404) - Full Rezoning Application submittal is available online at <http://www.westonwi.gov/421/Public-Hearing-Notices>



Application for Rezoning

**FINDING OF FACT & RECOMMENDATION BY THE VILLAGE OF WESTON  
PLANNING COMMISSION**

Application/Petition #: **REZN-11-13-1404**    Hearing Date: **December 9, 2013**

Applicant: **Joseph Iozzo, 3113 Camp Phillips Road, Wausau, WI 54403**

Request: **Rezone from R-R (Rural Residential) to RTF (Residential Two Family)**

Location: 3113 Camp Phillips Rd, Wausau, WI 54403

The Plan Commission of the Village of Weston, having heard the application for rezoning described above, and all opposition from parties claiming to be adversely affected thereby, has considered the request based on the provisions of Wisconsin law and forwards the following findings and recommendation to the Village of Weston Board of Trustees:

1. The request is consistent with the Village of Weston Comprehensive Plan because this parcel is shown as future residential on the Comprehensive Plan Future Land Use Map.
2. The request is consistent with the current conditions and character of structures and uses in each zoning district.
3. The request is consistent with the most desirable use for which the land in each district is adapted.
4. The request is consistent with the conservation of property values throughout the jurisdiction.
5. The request is consistent with responsible growth and development.
6. The request is in compliance with the intent and purposes of Chapter 94 as set forth in sections 94.104 and 94.105.
7. The proposed rezone is in the public's best interest, and is not solely for the benefit of the applicant.

Based on the findings described above, the Commission hereby forwards a favorable recommendation to the Village Board. So ordered this 9<sup>th</sup> day of December, 2013.

Village of Weston Planning Commission

By: \_\_\_\_\_  
Loren White, its Chairman

Attest: \_\_\_\_\_  
Valerie Parker, its Secretary

**Sec. 94.104. Intent.**

It is the intent of this chapter to carry out the statutory purposes enumerated in Wis. Stats. §§ 61.35 and 62.23(7), including but not limited to:

- (1) Regulate areas in which various land uses may be conducted;
- (2) Regulate the location of community facilities;
- (3) Regulate the location and operation of economic development areas;
- (4) Regulate the location, bulk, height and similar features of structures, including the overall population density of the community;
- (5) Establish zoning districts to accomplish these purposes;
- (6) Regulate land use along natural watercourses to protect such courses;
- (7) Regulate development and natural growth near airport runways;
- (8) Regulate land use for the protection of groundwater resources;
- (9) Provide for the preservation of burial sites;
- (10) Regulate so as to preserve areas with historic or aesthetic value;
- (11) Provide for special planned development districts pursuant to Wis. Stats. §62.23(7)(b).

(Ord. of 11-18-1991)

**Sec. 94.105. Purposes in view.**

(a) In accordance with Wis. Stats. § 62.23(7)(c), the regulations of this chapter shall be made and administered in accordance with a comprehensive plan as authorized in Wis. Stats. §62.23(3).

(b) In accordance with Wis. Stats. § 62.23(7)(c) and the related areas of the statutes cited in the authority of subsection (a) of this section, the regulations of this chapter are designed to:

- (1) Lessen congestion in the streets.
- (2) Secure safety from fire, panic and other dangers, including flooding and soil erosion.
- (3) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems.
- (4) Prevent the overcrowding of land and the destruction of natural resource areas such as wetlands and woodlots.
- (5) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

- (6) Relate the regulations to the character of the neighborhood and its suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the community.

(Ord. of 11-18-1991)



## VILLAGE OF WESTON NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Village of Weston Plan Commission on Monday, December 9, at 6:00 p.m., at the Village Municipal Center located at 5500 Schofield Avenue, Weston, Wisconsin, to hear comments and concerns related to the following requests:

REZN-11-13-1404 – Joseph Iozzo requesting a rezone from R-R (Rural Residential) Zoning District, to RTF (Residential Two-Family), to allow for a single-family home to be converted into a duplex on property described as: That part of the West 1/2 of the Northwest 1/4 of Section 9, Township 28 North, Range 8 East, in the Village of Weston, Marathon County, Wisconsin, lying North and East of the Eau Claire River. This Parcel is addressed as 3113 Camp Phillips Road and consists of 16 acres.

REZN-11-13-1405 / CPMA-11-13-1406 – Marissa Downs, of Commonwealth Development Corporation, for property owner Harry Colcord, of Life is Good, LLC, requesting a Comprehensive Plan Map Amendment from future commercial to future residential, along with a Rezone request from B-P (Business Park) to R-4 (Residential Multiple Family), in order to construct an active senior multi-family development on property described as: A parcel of land being approximately the south 700 feet of the Northeast 1/4 of the Northwest 1/4, except the south 500 feet of the east 500 feet thereof, of Section 29, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, also described as Lot 2 of proposed land division of 3003 Weston Avenue, and consisting of 13.81 acres.

Individual application materials are available on the Village of Weston website, located at: <http://westonwi.gov/421/Public-Hearing-Notices>. Written testimony may be forwarded to the Village of Weston Plan Commission, Valerie Parker, Plan Commission Secretary, 5500 Schofield Avenue, Weston, WI 54476, or e-mailed to [vparker@westonwi.gov](mailto:vparker@westonwi.gov), by noon on the day of the public hearing. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call Valerie Parker, Administrative Specialist, Planning and Development Department, at 715-241-2607.

Dated this 21<sup>st</sup> day of November, 2013

A handwritten signature in black ink, reading "Sherry L. Weinkauff".

Sherry L. Weinkauff  
Village Clerk

Published as a legal ad in the Wausau Daily Herald on Monday, November 25, 2013, and Monday, December 2, 2013

Date Filed 11-20-13  
Amount Paid \$300.00  
Check No. Cash  
Revised 1/1/2012

**VILLAGE OF WESTON  
MARATHON COUNTY, WI  
APPLICATION FOR REZONING**



Fees: Total Fee Submitted \$ 300.00

☒ Application Fee – \$300

☐ Late Agenda Fee – add additional \$100

☐ Special Meeting Fee – add an additional \$250

**\*\*\*\*\*Please note that applicant will also be responsible for all applicable public notice fees and required ordinance publication fees. These fees will be billed following completion of the application process.**

One copy of a registered surveyor's plat of survey **must** accompany application. Applicant will be notified of the date and place of a public hearing.

1. Applicant Joseph A. Iozzo Telephone 715-845-8671  
Address 3113 CAMPPhillips Rd. WAUSAU, WI. 54403  
Email address \_\_\_\_\_

2. Owner Joseph A Iozzo Telephone 715-845-8671  
Address 3113 CAMPPhillips Rd. WAUSAU, WI. 54403  
Email address \_\_\_\_\_

3. Applicant is (Check one): Owner ☒ Agent ( ) Other ( ) \_\_\_\_\_  
(If Applicant is not the owner, provide letter of Authorization from Owner) (Specify)

4. The present Owner acquired legal title to the subject property on 8/12/2011  
(Date)

5. Location, address and acreage of property: 16 acres  
3113 CAMPPhillips Rd WAUSAU, WI. 54403

6. Legal description of subject property: see attached



7. Present Zoning: RR Rural residential
8. Proposed Zoning change: RTF Residential Two Family
9. Has the present applicant previously sought to rezone the subject site or part of it? \_\_\_\_\_
10. When? No
11. To what district classification? \_\_\_\_\_
12. Existing Use of Property: ~~Single~~ Single family home
13. Future Land Use Map Designation of Property: Residential
14. Proposed Future Land Use (by Applicant): Duplex
15. Is the subject property planned to be improved? \_\_\_\_\_ When? \_\_\_\_\_
16. What will be the actual use of the improvement? rental
17. Please provide name and address of where the bill for publication and/or recording fees should be sent:  
Joseph Iozzo

I hereby depose and say that all the above statements and all accompanying statements and drawings are correct and true.

Joseph Iozzo  
Signature of Applicant

**Applicant attendance at this hearing is not mandatory, but is strongly recommended.**

Forwarded to the Village Planning Commission                      Date of Public Hearing: 12-09-13

Hearing Notice Published on: 11-25-13 and 12-02-13

Cost for Hearing Notice Publication: \_\_\_\_\_

Recommendation of the Village Planning Commission: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**NOTE: This is only a recommendation. It requires action by the Village Board to become effective.**

Forwarded to the Village Board                      Date: \_\_\_\_\_

Map Amendment:    (Adopted / Denied)                      Date: \_\_\_\_\_

Ordinance Publication Date: \_\_\_\_\_

Cost for Ordinance Publication: \_\_\_\_\_

Applicant billed for Hearing Notice and Ordinance Publications on \_\_\_\_\_ in the amount of  
\_\_\_\_\_ .

\_\_\_\_\_  
Village President

LRS10801  
LRS108I

Land Records  
Browse

11/20/13  
13:07:33

PIN 192 2808 092 0980 Village of WESTON  
Parcel 62 092808 006 012 00 00  
Adr 1 3113 CAMP PHILLIPS RD WAUSAU Status: **ACTIVE**  
Own 1 IOZZO JOSEPH A P 54403 0000

General Parcel Information:

PIN. . . . . : 37 192 4 2808 092 0980 Village of WESTON  
Parcel Number : 62 092808 006 012 00 00 Parcel Status: ACTIVE  
Sale Date. . . : 8/12/2011 Sale Type. . : Blank  
Sale Amount. . : 192,000 Transfer Tax : 576.00  
Deed Type. . . : Warranty Deed  
Deed Reference: 1602310  
MAILING & PARCEL JOSEPH A IOZZO

3113 CAMP PHILLIPS RD

WAUSAU WI 54403 0000 USA

Parcel Descriptions:

1 Description(s) on File

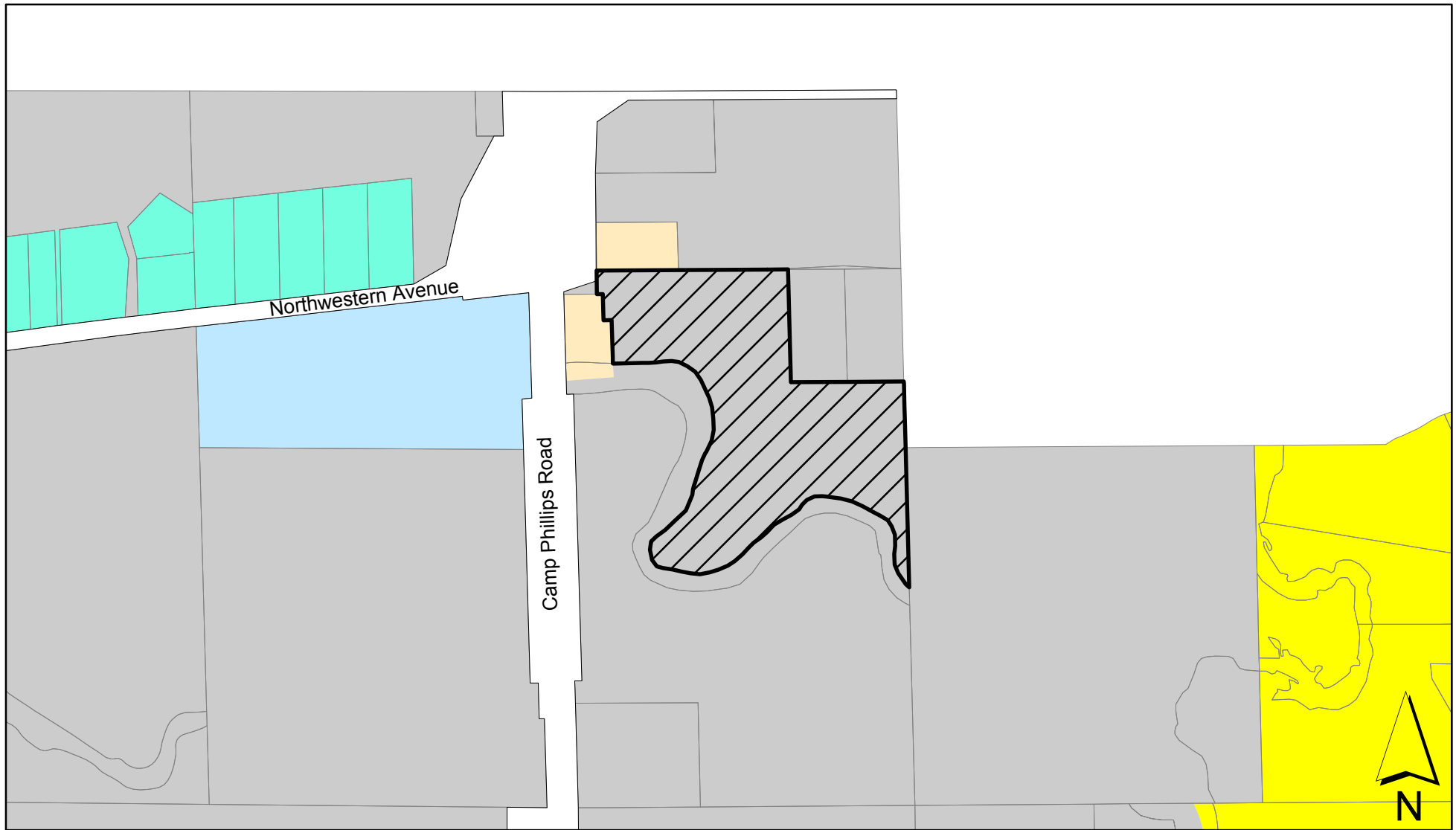
Year	Acres	Front	Depth	Flood Line	Description
2011	16.000				
					1 SEC 09-28-08
					2 PT OF W 1/2 NW 1/4
					3 THAT PT LYG N & E OF EAU
					4 CLAIRE RI EX N 1/2 NW 1/4
					5 NW 1/4 EX W 2 RDS EX E 416'
					6 OF W 1266' OF N 416' OF
					7 S 1/2 NW 1/4 NW 1/4 INCL
					8 CSM VOL 31 PG 10 (#8057)
					9 (DOC #1028137) EX CSM VOL
					10 46 PG 112 (#11060) (DOC
					11 #1193503) EX DOC #1257682
					12 (HWY) EX CSM VOL 74 PG 54
					13 (#16100) (DOC #1600633)

F2=Assessments








F3=Exit F4=Prompt F7=Previous F8=Next F24=More

# Current Zoning

## 3113 Camp Phillips Road



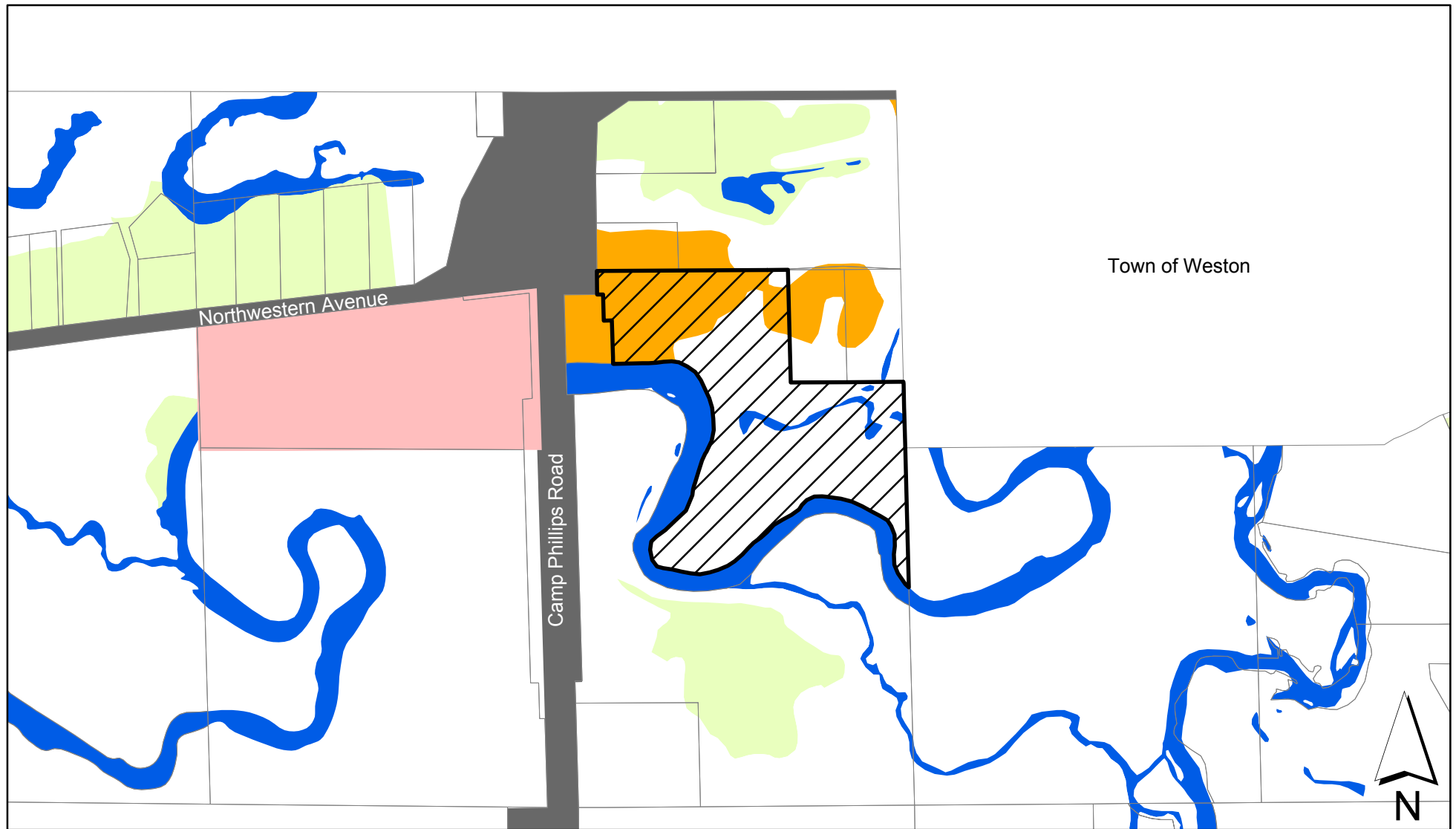
### Legend: Zoning Districts

	B-2		ROW
	PUL		RR
	R-1		3113 Camp Phillips Road
	RE		



# Future Land Use

3113 Camp Phillips Road



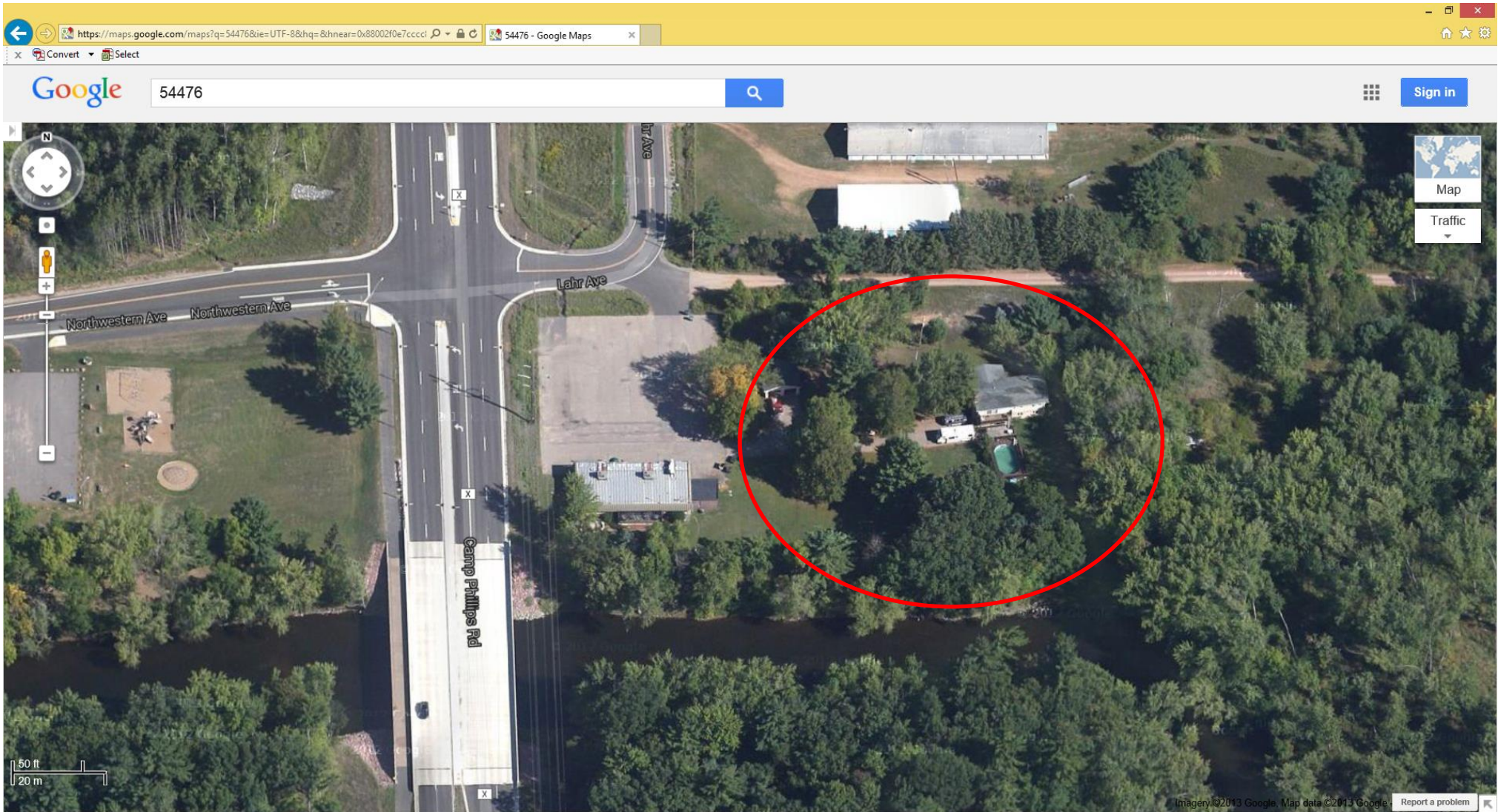
## Legend: Future Land Use

AGRICULTURE/FORESTRY	RECREATIONAL
COMMERCIAL	RESIDENTIAL
INDUSTRIAL	TRANSPORTATION
PUBLIC/QUASI-PUBLIC	WATER

3113 Camp Phillips Road







JOSEPH IOZZO  
3113 CAMP PHILLIPS ROAD  
WAUSAU WI 54403

IOZZO REAL ESTATE LLC  
3115 CAMP PHILLIPS ROAD  
WAUSAU WI 54403

GEORGIANA IOZZO  
4109 LAHR AVENUE  
WAUSAU WI 54403

GLENCO MINI STORAGE  
2921 CAMP PHILLIPS ROAD  
WAUSAU WI 54403

KEITH HOEHN  
SANDRA HOEHN  
2921 CAMP PHILLIPS ROAD  
WAUSAU WI 54403

THOMAS SALZMAN  
4204 LAHR AVENUE  
WAUSAU WI 54403

KAREN HASS  
ALICE SALZMAN  
PO BOX 446  
WAUSAU WI 54402

BOY SCOUTS OF AMERICA  
3511 CAMP PHILLIPS ROAD  
WESTON WI 54476

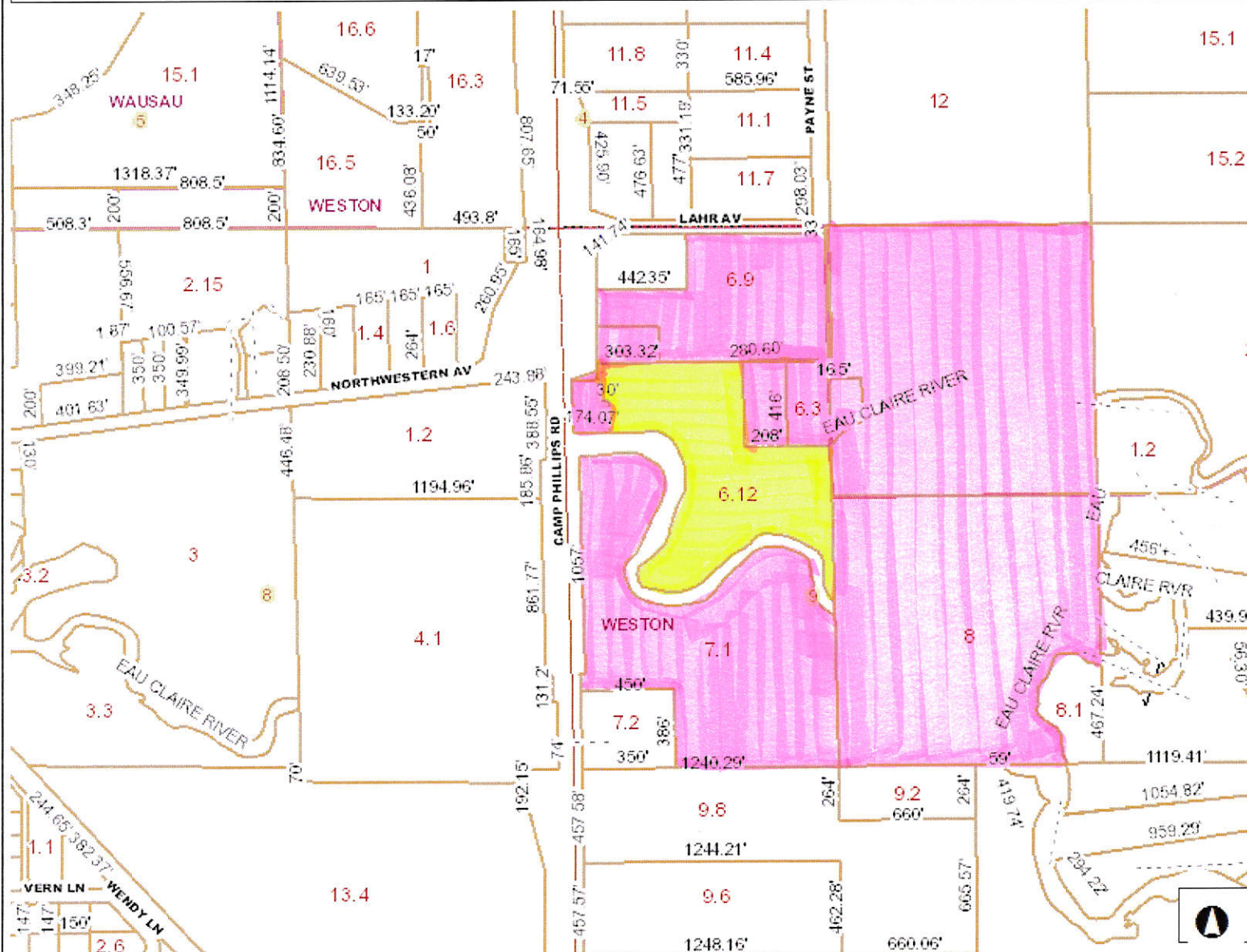
BOY SCOUTS OF AMERICA  
3501 CAMP PHILLIPS ROAD  
WESTON WI 54476

TOWN OF WESTON  
JOAN ERDMAN  
5209 MESKER STREET  
WESTON WI 54476





# Land Information Mapping System



## Legend

- Parcels
- Land Hooks
- Section Lines/Numbers
- Road Names
- Named Places
- Municipalities

361.41 0 361.41 Feet



User\_Defined\_Lambert\_Conformal\_Conic

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## Notes